

Keypoint

Local Development Order and Statement of Reasons

Keypoint

Keypoint offers large, modern, self-contained distribution units in a landscaped setting. Keypoint is home to high profile businesses, which are able to take advantage of the site's convenient access, via a newly constructed Roundabout, to the A420, A419 and the M4. The rail terminal at Keypoint enables fast rail connection across the UK and to Europe.

Keypoint is identified as a "Key Employment Area" within both the adopted and emerging Swindon Borough Local Plans.

Purpose of the Local Development Order

Keypoint is ideally suited to a Local Development Order. It is a substantial, purpose-built, business location, with well-defined development parameters but with scope for intensification. Keypoint adjoins the Honda car plant, no other constraining land uses lie nearby.

The Keypoint Local Development Order grants planning permission for specified development in the area, subject to Conditions. The purpose of the LDO is to support businesses within Keypoint by making it simpler for businesses to set-up, diversify or expand their operations. In doing so, the LDO seeks to give greater confidence to business to invest in Keypoint. Success will be measured by Keypoint continuing to be a premier business location in Swindon.

The Approach

To be successful the LDO needs to be user-friendly. It is the Council's intention that businesses should be able to fully understand the range of development proposals that would be allowed by the LDO. There is no separate Design Code or other supplementary material that need to be referred to. The LDO is self-contained, providing all the information needed by businesses.

It is anticipated that the simple Zoning Map, the listing of uses that the LDO allows, and the sparing use of Conditions, will leave businesses in no doubt as to what they can do through the LDO.

A simple self-certification procedure will further assist in providing businesses with the certainty they need.

LDO Objectives

The LDO will be monitored against the following Objectives:

- Objective 1 (Providing Certainty):– To enable existing businesses to remain within Keypoint and to encourage new businesses to relocate to Keypoint by providing complete certainty over the issuing of planning permission for new development.

What success would look like: Keypoint to be fully occupied.

- Objective 2 (Providing Flexibility): - To provide flexibility to businesses within Keypoint to help them grow or diversify their activities by streamlining the process for obtaining planning consent.
What success would look like: The employment land at Keypoint is developed to its maximum potential.
- Objective 3 (Protecting Amenity):- To ensure that development allowed by the LDO does not give rise to an adverse impact on local residents or on the local environment.
What success would look like: No complaints are received in relation to the developments allowed by the LDO.

Permitted Development Types

This Local Development Order grants planning permission for the following development proposals at Keypoint:

- New, replacement or additional buildings within Class B2 (General Industry) or B8 (Storage or Distribution) use, which do not increase the gross internal area floorspace of the “original building” (defined within the Informatives Section) by more than 50%
- Building extensions and alterations (including mezzanines) within Class B2 (General Industry) or B8 (Storage or Distribution) use up to a maximum of 1200 sqm (gross internal area), and provided that the extension does not increase the gross internal area floorspace of the “original building” by more than 50%
- Building extensions and alterations (including mezzanines) within Class B1 (Business) use up to a maximum of 200sqm (gross internal area), and provided that the extension does not increase the gross internal area floorspace of the “original building” by more than 50%
- The installation, alteration or replacement of ground source heat pumps or water source heat pumps
- The installation, alteration or replacement of solar PV or solar thermal equipment on buildings
- The installation, alteration or replacement of broadband infrastructure
- The installation, alteration or replacement of smoking shelters and cycle shelters
- The installation, alteration or replacement of exhaust extraction systems
- The installation, alteration or replacement of generators and fuel storage tanks (subject to control measures in the “noise protection area”)
- The installation, alteration or replacement of air conditioning units (subject to control measures in the “noise protection area” and on building facades facing onto the “noise protection area”)

- The installation, alteration or replacement of apparatus, equipment or machinery directly associated with the operational needs of the business (subject to control measures in the “noise protection area” and on building facades facing onto the “noise protection area”)
- The installation, alteration or replacement of air source heat pumps (subject to control measures in the “noise protection area” and on building facades facing onto the “noise protection area”)
- Re-cladding of building exteriors
- New building openings
- Boundary walls and fences no greater than 2 metres in height if facing the public highway and no greater than 4 metres in height where the walls and fences do not face the public highway
- The demolition of existing buildings / structures
- The creation of new permeable surfaces for car parking or hardstanding (or alternatively for impermeable surfaces provision shall be made to direct run-off water from the car parking area or hard standing to a permeable or porous surface within the curtilage)
- The reconfiguration of the site layout, subject to changes not impacting on the site access.
- Site investigations, enabling works and temporary works and development
- Below-ground works, including trenching and laying of pipe and other apparatus.

Conditions

Planning permission is granted for the above development proposals subject to the following Conditions:

Conditions Controlling the Parameters of the LDO

1. The LDO is confined to the parts of Keypoint identified as areas of relaxed planning controls on the LDO Zoning Map.
2. The LDO is active until 31st August 2022. Development which has started under the provision of the LDO before this date can be completed following the expiry of the LDO.
3. To take advantage of the relaxed planning controls allowed by the LDO you will need to submit a Self Certification Form where your development is for any of the following:
 - you are seeking to create new building(s) or building extension(s)
 - your development would lead to a loss of parking spaces
 - your development lies in a “noise protection area” or
 - your development would lead to a change in drainage arrangements.

The LDO self-certification form can be downloaded at www.swindon.gov.uk. The purpose of the LDO self-certification form is to provide businesses with peace of mind by enabling the Council to issue a legally binding "Certificate of Lawfulness".

Building Design Conditions

4. New buildings and building extensions should incorporate materials and finishing that match with the existing buildings. If alternative materials are proposed, details of the materials should be submitted to the Local Planning Authority for approval.
5. The eaves of new buildings and building extensions should be of a height that is no greater than the eaves of existing buildings

Parking and Circulation Conditions

6. Where new floorspace is proposed or where the proposal would result in the loss of existing parking spaces, it will need to be demonstrated to the satisfaction of the Local Planning Authority that parking provision, including disabled and cycle parking, is satisfactory to meet the needs of the site.
7. Where internal roads are to be developed or reconfigured, it should be demonstrated to the satisfaction of the Local Planning Authority that the reconfigured internal road layout adequately and safely meets the needs of the site.

External Storage

8. In the "noise protection area" identified on the Zoning Map, no containers shall be stored in this area except in locations and at heights that have first been agreed in writing by the Local Planning Authority and which unless otherwise agreed have first been screened in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority.

Contaminated Land Condition

9. All development shall be carried out having regard to any actual or potential land contamination at the site. The responsibility for the safe redevelopment of the site in this regard rests with the developer, who must undertake and evaluate a risk assessment which incorporates specific remedial measures to deal with any land contamination.

Prior to the commencement of development which has the potential to effect land contamination at the site, an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The details of the scheme are subject to the approval in writing of the Local Planning Authority. A written report of the findings must be produced.

If you are in any doubt, please seek the advice of the Contaminated Land Officer on whether a contaminated land site investigation is needed.

If the findings of the investigation and risk assessment indicate that remediation will be required then, prior to the commencement of the development a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives, remediation criteria and timetable of works. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

An approved remediation scheme prepared in this way must be carried out in accordance with the agreed details prior to the commencement of development. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced submitted to the Local Planning Authority for its approval in writing.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Due to the high contamination risk, all installation, alteration or replacement of generators and fuel storage tanks will be subject to a site investigation.

Piling Condition

10. Piling or any other foundation designs using penetrative methods shall only be permitted with the express written consent of the Local Planning Authority, which will only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Conditions controlling Potential EIA Development

11. Individual developments wishing to take advantage of this LDO will be screened by the Local Planning Authority as part of the self-certification process. Any developments which require an individual Environmental Impact Assessment (EIA) would need to be assessed through a formal planning application as such developments would fall outside the scope of this LDO.
12. By virtue of their potential environmental impact, all of the following are outside of the scope of by of the LDO:
 - development involving a process designated as a 'scheduled process' for the purpose of air pollution control;
 - development involving discharges to water which require the consent of the Environment Agency;
 - development involving an installation which would give rise to the presence of environmentally significant quantities of potentially hazardous or polluting substances;

- development involving a process would give rise to radioactive or other hazardous waste;
- development that would fall under Council Directive 96182/EC on the control of major accident hazards involving dangerous substances (COMAH).

Condition Controlling Drainage

13. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. The drainage strategy should strive to utilise sustainable drainage techniques in accordance with the SuDS management train (Ciria C609). No additional discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

With respect to smaller developments and developments that will not result in a change in drainage requirements a drainage strategy will not be required. Please seek the advice of the Local Planning Authority on whether your scheme generates a need for a drainage strategy.

14. No surface water shall be drained to the existing local watercourses adjoining Thornhill Road.
15. No foul drainage shall be connected to the South Marston foul system.

Condition controlling lighting

16. No part of the site nor any building erected thereon shall be floodlit or otherwise externally illuminated except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Any flood lighting shall be implemented and retained in accordance with the approved details.

Noise Conditions

17. In the “noise protection area” identified on the Zoning Map, for proposals involving external storage activities, plant or machinery, manufacturer’s noise emissions data should be submitted. The Council will need to be satisfied that the proposals in the “noise protection area” would not generate noise levels of 55dB or higher at nearby residential premises. Care should be taken that individual noise events do not exceed 65dB at the boundary of the site between the hours of 23:00 to 07:00. Should there be a likelihood of breaching this level an acoustic assessment may be necessary with consequent mitigation suggested and implemented to the satisfaction of the Local Planning Authority.
18. With the exception of necessary audible hazard or warning systems, no development on the site shall have external loud speaker or sound systems except in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Management of Traffic Generation Condition

19. A Transport Assessment in accordance with “Guidance on Transport Assessment” (DfT, 2007) will be required for any development that provides for net additional floorspace that exceeds the following thresholds:
- B1 Business = 2,500m²
 - B2 General Industry = 4,000m²
 - B8 Storage or Distribution = 5,000m²

The Transport Assessment shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the details included within the Transport Assessment including any mitigation measures required. As a result of the Transport Assessment, developments may be required to provide off-site transport mitigation measures delivered through an agreement under Section 278 of The Highways Act 1980 or a Section 106 Legal Agreement.

Informatives

An explanation of your permitted development rights

- The “original building” means the building footprint as at 1st April 2013.
- Where new buildings or building extensions are proposed and where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement of the maximum allowable size.
- This LDO does not replace the permitted development rights set nationally by the UK Government (under the Town and Country Planning General Permitted Development Order). The LDO complements and expands upon the nationally set permitted development rights.
- Where a proposed development does not fall within the permitted development rights allowed by this LDO or by the permitted development rights set nationally, this does not mean that the development is unacceptable and cannot be built. It means that an application for planning permission needs to be made so that the Local Planning Authority can consider all the circumstances of the case.
- A number of Trees and planting are protected by Tree Preservation Orders (TPO) at Keypoint. An application for “Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO)”, is likely to be required for any works impacting on these trees. Detailed guidance on the protection of trees is provided within the “Tree Management Framework” Section of this LDO.

Building Regulations

- The LDO does not remove the requirement for consents obtained under the Building Regulations. Further details on the Building Regulations can be obtained from the Swindon Borough Council Building Control Service. The Building Control Service can be contacted by email on bcontrol@swindon.gov.uk.

Other Consents

- Additional Environment Agency consents may be required. You are advised to contact the Environment Agency to ensure all necessary consents are achieved. Please contact the Environment Agency at www.environment-agency.gov.uk
- Please note that 'The installation, alteration or replacement of ground source heat pumps or water source heat pumps' may require an Environmental Permit (Environment Agency Consent).
- Water Main Crossing: Where there is a Thames Water main crossing your site, this may need to be diverted at your expense, or amendments maybe necessary to the proposed development design so that the main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
- The storage of oil/fuel should be carried out in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001.
- The demolition of existing buildings/structures should be carried out in accordance with Environment Agency's 'Pollution Prevention Guidance 6 Working at Construction and demolition sites: preventing pollution'.
- The creation of new permeable surfaces for car parking should be designed in accordance with Environment Agency's 'Pollution Prevention Guidance 3 Use and design of oil separators in surface water drainage systems'
- Where construction and demolition occurs at the northern end of the site, near South Marston Brook, applicants are advised to follow Environment Agency's Pollution Prevention Guidance 5 Works and maintenance in or near water.
- The LDO does not remove requirements under the Party Wall Act.
- The LDO does not remove the requirement for Advertisement Consent.

Travel Plan

- A Travel Plan will be required whenever a Transport Assessment (TA) is required (See Condition 19). However, in the interests of promoting sustainable development and reducing the need to travel by car, all businesses are encouraged to prepare travel plans that promote alternatives to the car. For travel planning advice please contact the Council on 01793 466402.

Electricity Distribution Network

- Where existing SSEPD Electricity Overhead lines or cables cross your site, these will need to be diverted at your expense, or amendments may be necessary to the proposed development design so that the mains cable/s can be retained in their existing positions. Unrestricted access must be made available at all times for maintenance and repair.

Connections for new development from the existing infrastructure can be provided but will be subject to study, cost and timescale.

Where existing infrastructure is inadequate to support the increased demands from the new development, the costs of any necessary upstream reinforcement required would normally be apportioned between developer and DNO (Distribution Network Operator) in accordance with the current Statement of Charging Methodology agreed with the industry regulator (OFGEM).

To ensure certainty of delivery of a development site, any anticipated additional loads or relocation of existing overhead lines or cabled network should be formally discussed and agreed with Southern Electric Power Distribution prior to submission of a planning application / Self Certification Form (Local Development Order).

Please contact SSEPD on 0800 048 3516 or connections.engineering@sse.com for further information.

Tree Management Framework

Principles of general tree management

Keypoint is home to a number of TPO trees. There is a presumption to retain TPO trees unless:

- a. They are unsafe.
- b. They are unhealthy and in declining condition, with no significant potential to contribute future benefit.
- c. They are interfering with better trees and their removal would be warranted for good management of the overall tree population.
- d. They are causing an unreasonable nuisance to nearby people and property.
- e. They are in the way of an otherwise acceptable development proposal and have been assessed as not of sufficient importance to be a material constraint.

Decisions to remove trees should be agreed with the Council's arboricultural officer.

All removed trees will be replaced on a one-for-one and like-for-like basis within Keypoint, but not necessarily in the same location. Removal of a mature tree will therefore require replacement of a mature or semi-mature tree.

New tree planting species will be selected to complement the surrounding wider landscape and seek to achieve a mix of approximately 70% native and 30% non-native.

Tree works (other than removals) necessary for normal management that can be undertaken by the landscape maintenance staff without specific authorisation from the Council's Arboricultural Officer, include removal of dangerous/damaged branches, pruning branches to clear highways, pruning branches that interfere with structures and pruning branches that destructively interfere with better adjacent trees.

The consideration of existing trees in development proposals

Where development is proposed, the following protocol will be applied to ensure that trees are properly considered in the design process:

- a. An accurate land survey will be carried out showing the location of all the significant trees and other important landscape features.
- b. Any significant trees will be assessed by a Council's Arboricultural Officer and separated into two categories according to their potential to deliver future benefits, i.e. trees with such potential to warrant them being considered as a constraint, and trees without such potential that can be discounted. Trees not worthy of being a material constraint would include all trees that could be removed for the reasons set out in 9a–f above. Additionally, small trees that could be reasonably replaced like for like should not be a constraint, with heights of less than 10m and trunk diameters of less than 25cm advised as loose thresholds to assist that decision. All trees that do not fall into these exemptions would normally be worthy of being a material constraint.
- c. All trees assessed as a material constraint will be weighed alongside other material considerations in the design process, with a presumption to retain them wherever possible. Where good trees are agreed for removal, that loss will be compensated for by new planting at a scale to obviously mitigate the impact.

The protection of existing trees during development activity

Development activity includes new construction and upgrading of existing structures and services.

Where existing trees are identified for retention, they will be sufficiently protected to ensure that they survive the development activity without their long term life expectancy being compromised.

The broad principles of tree protection set out in *BS 5837 Trees in relation to design, demolition and construction – Recommendations (2012)* will be the starting point for designing appropriate tree protection, to be interpreted and modified as necessary to account for the specific circumstances of each situation.

Policy Objectives of the LDO

The adopted Swindon Borough Local Plan (2026) identifies Keypoint as a 'key employment area' of high quality. The Local Plan seeks to protect and enhance Keypoint as a business location. The LDO supports the Local Plan in this objective.

Compliance

To take advantage of the relaxed planning controls allowed by the LDO you will need to submit a Self Certification Form where your development is for any of the following:

- you are seeking to create new building(s) or building extension(s)
- your development would lead to a loss of parking spaces
- your development lies in a "noise protection area" or
- your development would lead to a change in drainage arrangements.

Written confirmation is provided by the Council in the form of a “Certificate of Lawfulness”. There is a fee to cover the cost of processing this request.

Certificate of Lawfulness submissions would appear on the weekly list of planning applications.

Development which has started under the provision of the LDO can be completed following the expiry of the LDO. The uses that have taken place will therefore be allowed to continue to trade/operate but no new changes of use will be allowed under the terms of the LDO following its expiry without planning permission.

Area covered by LDO

The Area of LDO coverage is shown on the Zoning Map. The zones identified on the Zoning Map relate to areas of differing development constraints.

Assessment of the Risks

The nearest residential area comprises South Marston village, which lies to the north-east, and the urban area of Swindon, which lies to the west (beyond the A419).

South Marston is a small village at risk of encroachment from the growth of Swindon. A buffer area along the north-eastern and eastern end of the site, together with Conditions to control noise, visual and lighting impacts are proposed to ensure that the village’s rural character is safeguarded.

The emerging Local Plan identifies areas to the east and south of Keypoint as an urban extension to Swindon (The Eastern Villages).

An Environmental Impact Assessment (EIA) screening exercise has been undertaken which concludes that an EIA would not be required. However, to provide protection for existing and new residents, it is proposed that any developments which require an individual Environmental Impact Assessment (EIA) would fall outside the scope of this LDO.

A stream (South Marston Brook) travels along the northern boundary of the LDO area. A large stretch of this stream comprises a local biodiversity site. It is proposed that a buffer area be provided along the northern site boundary, to provide protection to this local biodiversity site.

A number of Trees and planting areas are protected by Tree Preservation Orders (TPOs) at keypoint. An application for “Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO)”, would be required for any works impacting on these areas. The bulk of the TPO areas would not be subject to the extended permitted development rights allowed by the LDO. A Tree Management Framework has been prepared to sign post good working practices to ensure that trees are properly considered in the building process.





The LDO does not supersede the requirement for development to comply with all other relevant legislation, for example, Building Control or Environmental Permits.

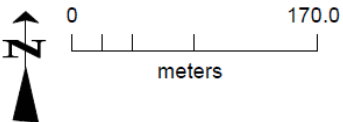
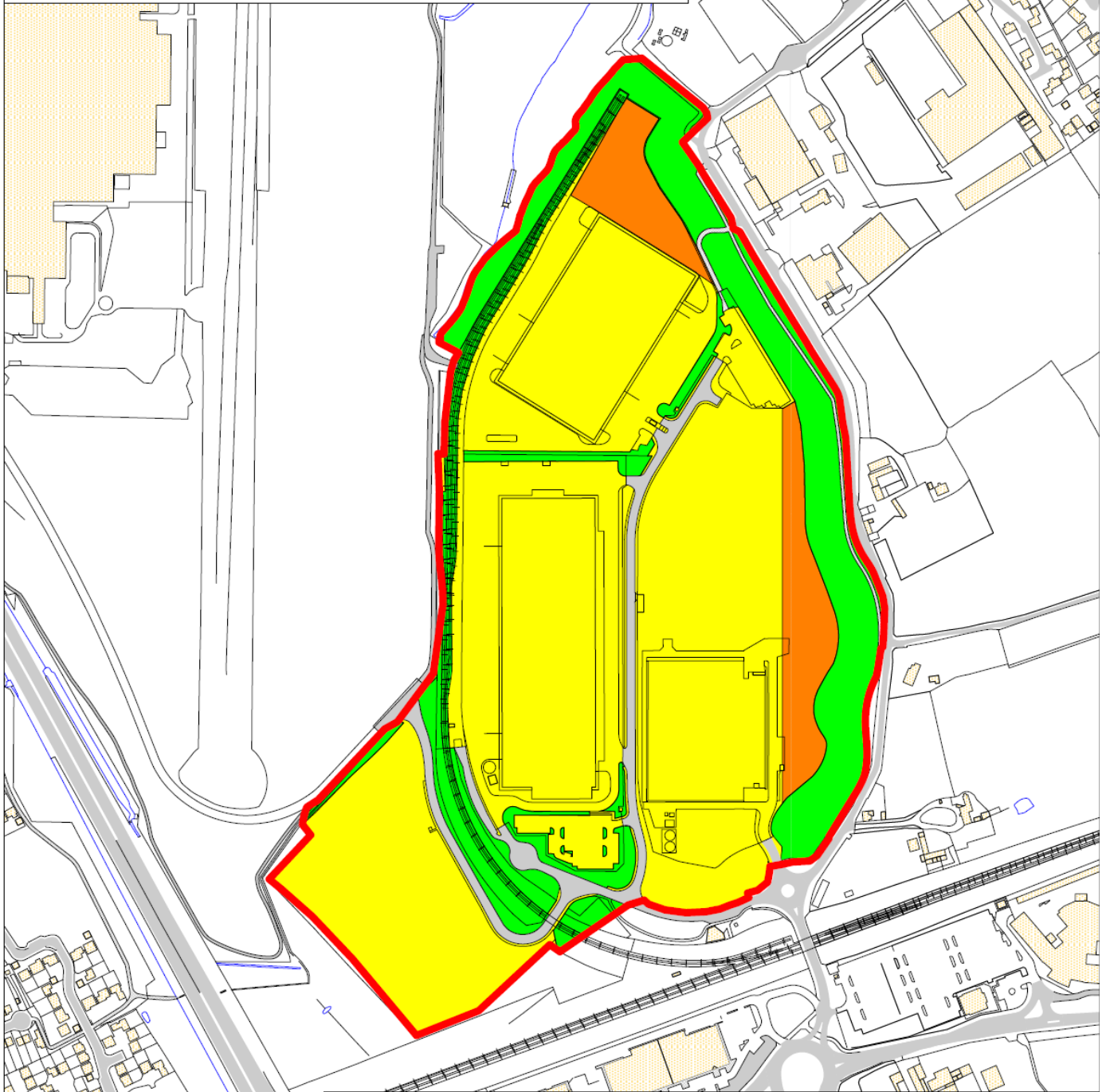
Keypoint Aerial Photograph



Keypoint, Swindon - Local Development Order Zoning Map

Legend:

-  LDO Boundary
-  Area of relaxed planning controls
-  Area of relaxed planning controls, subject to noise protection area controls
-  All other areas - Eg landscape



This plan is for illustrative purposes only and is not intended to provide accurate representation of the development. In all cases references should be made to the submitted plans.

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